

1 Court may consider affidavits or other documentary evidence beyond your Complaint.
2 Moreover, if Defendants produce admissible evidence demonstrating that you failed to
3 exhaust your administrative remedies, your Complaint will be dismissed without prejudice
4 unless you produce your own affidavit or other admissible evidence sufficient to show that
5 you did exhaust all available administrative remedies.

6 **It is Plaintiff's obligation to timely respond to all motions. The failure of Plaintiff**
7 **to respond to Defendants' Motion to Dismiss may in the discretion of the Court be**
8 **deemed a consent to the granting of that Motion without further notice, and judgment**
9 **may be entered dismissing the complaint and action with prejudice pursuant to LRCiv**
10 **7.2(i). See *Brydges v. Lewis*, 18 F.3d 651 (9th Cir. 1994) (per curiam).**

11 **IT IS THEREFORE ORDERED** that Plaintiff shall have thirty (30) days from the
12 date this Order is filed to file a response to Defendants' Motion to Dismiss.

13 **IT IS FURTHER ORDERED** that Defendants shall file any reply within fifteen (15)
14 days from the date Plaintiff's response is filed.

15 **IT IS FURTHER ORDERED** that the Motion shall be deemed ready for decision
16 without oral argument on the day following the date set for filing a reply unless otherwise
17 ordered by the Court.

18 DATED this 30th day of November, 2005.

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21 _____
22 David K. Duncan
23 United States Magistrate Judge
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